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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,259	03/31/2004	Matthew P. Pasulka	S-5710	7466

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EXAMINER

LABAZE, EDWYN

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/815,259	Applicant(s) PASULKA ET AL.	
	Examiner EDWYN LABAZE	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Objections

2. Claims 2-3 and 18 are objected to because of the following informalities:

Re claims 2 and 3 (page 12; lines 6 & 8 respectively): The applicant recites the limitations “an irregular shaped metallic object” and “a material different than the part”. There is no support for these limitations on the specifications (besides the blades and rotors of a helicopter on page 5, lines 27-28; and the shape of the embedded object 316 on page 6, lines 15 of the specifications). The applicant is respectfully requested to amend either the specifications or the claims so as to define the metallic object.

Re claim 18 (page 13, line 21): The applicant discloses the limitation “the same housing”. There is no antecedent basis for this limitation in the independent claim 12. The applicant is respectfully requested to amend the independent claim so as to incorporate the limitation “a portable housing” or to substitute “the same portable housing” with “a portable housing” as a new limitation of the claimed invention.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-10, 12, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Olster et al. (U.S. 6,285, 320).

Re claims 1 and 12: Olster et al. discloses apparatus and method for mapping surfaces of an object, comprising a part (herein the blade 415 or rotor 436 as shown in fig. # 4-5; col.9, lines 48+), a part tracking device (herein broadly interpreted as the workstation 134) embedded in the part, a magnetic field detector that passes over the part and creates a signal and compares [through the processor 112, wherein a model image 40 {as shown in fig. # 4} is stored in a memory is compared with a mapped/actual image 50] that signal to a signal stored in a database corresponding to the part and creates an output [through the printer 154] based on the comparison (col.8, lines 58-67; col.9, lines 1+; col.13, lines 8-32).

Re claim 4: Olster et al. teaches a system and method, wherein the magnetic field detector comprises multiple coils of wire (herein Olster et al. discloses probe 108, which a transmitter and a receiver for communicating with transceivers 124/130/146 in a similar fashion to a GPS system {i.e. wireless/microwave communication using radio frequency signal, wherein an antenna is used to transmit and receive signal data}; col.5, lines 58-67; col.6, lines 1-25).

Re claim 5: Olster et al. discloses a system and method, wherein the magnetic field detector comprises a magnetic field generator (col.5, lines 32-40).

Re claim 6: Olster et al. teaches a system and method, wherein the part tracking device 112 comprises a display 114 for showing the results of the magnetic field detector scan (col.5, lines 41+).

Re claims 7-10: Olster et al. discloses a system and method, comprising the steps of querying at least one part from data in a database about parts on a helicopter, checking if there is

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a return signal, and determining whether the part is the correct part, further comprising the step of checking whether the part is authorized and, further comprising the step of checking whether the part is damaged, generating an error report {herein broadly interpreted as a warning message that the object is deformed}; (col.8, lines 58-67; col.9, lines 1-38).

Re claim 18: Olster et al. teaches a system and method, wherein the generator and the processor are contained in a portable housing (col.4, lines 3+; col.7, lines 40+).

Re claim 19: Olster et al. discloses a system and method, wherein the generator comprises a test button, an On/off switch, a signal transmitter and a power source (see fig. # 1; col.5, lines 41-67).

Re claim 20: Olster et al. teaches a processor comprising of an output [printer 154], a display 114, and a control unit (col.5, lines 50-67), and further discloses the apparatus and method uses a portable or fixed local global positioning satellite system {which one skilled in the art would agree that GPS system includes a Kalman filter or other filtering techniques for improving measurement accuracy (as exemplified by the examiner in U.S. reference 5,596,332 of Coles et al.)}.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olster et al. (U.S. 6,285,320) in view of Gietzen et al. (U.S. 4,875,643).

The teachings of Olster et al. have been discussed above. Olster et al. further discloses that the processor will output instructions for repairing the object based upon the amount of deformation detected by the comparison of the model image to the actual image (col.9, lines 8+).

Olster et al. fails to teach means of preventing the helicopter from restarting if a wrong part, unauthorized part or a damaged part is installed on the helicopter.

Gietzen et al. teaches starter arrangement for a helicopter, which includes means of disengaging a starter mechanism based on certain conditions (as shown in fig. # 6; col.8, lines 25-67).

In view of Gietzen et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Olster et al. a starter mechanism with disengaging means {i.e. means of preventing the helicopter from restarting} upon the detection of the based upon the amount of deformation, wrong part and unauthorized part {such part installation and maintenance, part unique serial number and the like} detected by the comparison of the model image to the actual image. Furthermore, such modification {through a modified subroutine of the software program or operating system within the part-tracking device} would provide an alert signal to the operator and necessitate proper care/repair of the vehicle prior to any further usage. Moreover, such modification would have an obvious extension as taught by Olster et al.

Examiner's Remarks

Re claims 2-3: The lack of an art rejection with this Office action is not an indication of allowable subject matter. The disclosure/claimed language is such that it is impractical to conduct a reasonable search of the prior art by the examiner.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reis et al. (U.S. 5,686,902) teaches communication system for communicating with tags.

Zuta (U.S. 6,278,409) discloses wire detection system and method.

Hafer, Jr. (U.S. 6,448,924) discloses microwave blade tracker.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



el
Edwyn Labaze
Patent Examiner
Art Unit 2876
4/16/2005

THIEN M. LE
PRIMARY EXAMINER